

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

January 11, 2010

C058441 THE PEOPLE v. (Not For Publication)
JAVIER OLIVA GUERRERO

The judgment is affirmed.
CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.
Raye, J.

C060382 THE PEOPLE v. (Not For Publication)
RAYMOND JAMES DILLON

The judgment is modified by striking the serious felony enhancements on count three, four, eleven, and twelve. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

BLEASE, Acting P.J.

We Concur: Sims, J.
Butz, J.

C061005 THE PEOPLE v. (Not For Publication)
DONALD EUGENE CROSS

The judgment is affirmed.
RAYE, J.

We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

C061292 THE PEOPLE v. LENNI WILKES (Not For Publication)

The judgment is affirmed.
RAYE, J.

We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

C059420 GOLDSMITH et al. v. CALDWELL et al. (Not For Publication)
C060427

The judgment and order after judgment imposing attorney fees on appellants are reversed. The appellants shall recover their costs on appeal.

BLEASE, Acting P.J.

I concur: Raye, J.

I dissent:

The majority concludes the trial court erred in entering what is, in effect, a declaratory relief judgment that does not award any affirmative relief to plaintiffs.

...

I would affirm the judgment.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

January 11, 2010, Continued

C059288 THE PEOPLE v. (Certified For Publication)
JASPER DWIGHT BRANNER

THE COURT:

It is ordered that opinion filed in this case on December 17, 2009, be modified...

This modification does not change the judgment.

The petition for rehearing is denied.

FOR THE COURT:

SCOTLAND, P.J.

Nicholson, J.

Robie, J.

C060776 THE PEOPLE v. (Not For Publication)
RUBEN MICHAEL BALTAZAR

By written opinion filed on December 15, 2009, this court modified the judgment imposed against defendant, and affirmed the judgment as modified. ...

This modification does not change the judgment.

The petition for rehearing is denied.

FOR THE COURT:

SCOTLAND, P.J.

Sims, J.

Robie, J.

January 12, 2010

C060659 THE PEOPLE v. (Not For Publication)
DANIEL MICHAEL TREGLIA

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.

Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

January 12, 2010, Continued

C062527 In re ROBERT DION PARKS (Not For Publication)
on Habeas Corpus.

The order to show cause is discharged. The petition for writ of habeas corpus is granted as to the claim of multiple punishment. The judgment is modified to stay the execution of petitioner's sentence on count two, burglary, pursuant to Penal Code section 654. Upon finality of this opinion, the Clerk/Administrator of this court shall remit a certified copy of this opinion to the superior court for filing. The superior court is directed to amend the abstract of judgment to reflect the modification and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.

Cantil-Sakauye, J.

January 13, 2010

C056510 THE PEOPLE v. (Not For Publication)
JAMES LEE BROWN, III

The judgment of conviction is affirmed. However, the matter is remanded to the Lassen County Superior Court with instructions to provide a detailed recitation of all fees, fines and penalties on the record, and amend the abstract of judgment accordingly. A certified copy of the amended abstract of judgment shall be forwarded to the Department of Corrections and Rehabilitation.

HULL, J.

We Concur: Sims, Acting P.J.

Butz, J.

C059484 THE PEOPLE v. (Not For Publication)
JOHN ARTHUR RUGGLES

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

C060251 THE PEOPLE v. (Certified For Publication)
ANTHONY MARK ALFORD, JR.

The judgment is modified... As so modified, the judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

January 13, 2010, Continued

- C060867 THE PEOPLE v. (Not For Publication)**
TURRONE DERELL GEORGE
The matter is remanded for resentencing in accordance with the views set forth in this opinion.
HULL, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C060901 THE PEOPLE v. (Not For Publication)**
DONALD RAY FORD, JR.
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and send it to the Department of Corrections and Rehabilitation.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
 Robie, J.
- C061055 THE PEOPLE v. (Not For Publication)**
STEVEN LAWRENCE GARDUNO
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Robie, J.
- C061478 THE PEOPLE v. (Not For Publication)**
MONIQUE EDITH HENRIQUEZ
Defendant's convictions are affirmed. The two probation conditions at issue are modified... The trial court is directed to amend its records to reflect this modification and to forward the appropriate documents to defendant and to the probation department.
RAYE, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C061575 THE PEOPLE v. (Not For Publication)**
HERNAN GUILLERMO
RODRIGUEZ-NAVARRETTE
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

January 13, 2010, Continued

- C059862 SHEAFFER v. SCOTT VALLEY UNION (Not For Publication)**
HIGH SCHOOL et al.
The judgment is reversed. Plaintiff shall recover her costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (2) .)
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Butz, J.
- C061090 In re THE BEATRICE PHILLIPS 1996 (Not For Publication)**
TRUST.; PHILLIPS v. PHILLIPS et al.
The judgment is affirmed as to its numbered paragraphs three through
10. The judgment is reversed as to paragraphs number one (that the petition is
denied), number two (that there was no breach of trust and no breach of fiduciary
duty), and number 11 (approving all acts of the trustees). ...
The parties shall bear their own costs on appeal. (Rule 8.278 (a) (5) .)
SIMS, J.
We Concur: Scotland, P.J.
 Robie J.
- C062408 In re X.Y. et al.; SAN JOAQUIN COUNTY (Not For Publication)**
HUMAN SERVICES AGENCY v. L.Y.
The orders of the juvenile court are affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
 Robie, J.
- C060969 In re S.B.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. S.G.
The orders of the juvenile court are affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
 Sims, J.
- C058379 WESTLAKE et al. v. WILLMS et al.**
C059434 WESTLAKE v. WILLMS et al.
BY THE COURT:
Respondents' request to publish the opinion filed on December 23, 2009,
is denied.
SCOTLAND, P.J.

6

January 13, 2010, Continued

C060591 MASSEY v. O'BAR et al.

BY THE COURT:

Respondents' petition for rehearing is denied.

BLEASE, Acting P.J.

January 14, 2010

C060601 THE PEOPLE v.

GEORGE J. SCRIMA

(Not For Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.

Butz, J.

C061001 In re A.R.; THE PEOPLE v. A.R.

(Not For Publication)

The judgment is modified by striking the finding that the minor's offense was gang related. As so modified, the judgment is affirmed. The juvenile court is directed to correct its dispositional minute order to conform to our modification.

NICHOLSON, Acting P.J.

I concur: Butz, J.

I concur fully in this opinion but write separately to note that the probation officer should be ashamed of requesting a gang enhancement solely to save the county money. This is an inexcusable violation of the public trust in his office.

Robie, J.

**C058791 Estate of EIGORO YAMAMOTO, Deceased.;
YAMAMOTO, as Administrator, etc. v.
YAMAMOTO et al.**

(Not For Publication)

The judgment is reversed. Defendants are awarded to their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) .)

HULL, J.

We Concur: Scotland, P.J.

Robie, J.

**C062236 In re J.G.; SACRAMENTO COUNTY
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. R.H. et al.**

(Not For Publication)

The juvenile court's order is affirmed.

SIMS, Acting P.J.

We Concur: Butz, J.

Cantil-Sakaue, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

January 15, 2010

- C057636 THE PEOPLE v. BEN GARCIA (Not For Publication)**
The judgments of conviction on the assault with a deadly weapon (counts 1 and 2), driving under the influence of alcohol and causing injury (count 3) and driving with a blood-alcohol level of 0.08 percent or over and causing injury (count 4) are affirmed. The judgment is modified pursuant to section 654 to stay the eight-month prison terms imposed on both count 3 and count 4. The trial court's true findings on the prior conviction allegations are reversed and the sentence is vacated. The matter is remanded for further proceedings regarding the prior conviction allegations and for resentencing. In all other respects, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C059207 THE PEOPLE v. (Not For Publication)**
CHARLES PEARL PETERSON
The judgment is reversed and remanded for further proceedings consistent with our opinion.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Robie, J.
- C061030 THE PEOPLE v. (Not For Publication)**
ERNEST EUGENE ROXAS
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C061111 THE PEOPLE v. (Not For Publication)**
STEPHEN JOSEPH AGUIRRE
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C061991 THE PEOPLE v. ORVELL JONES (Not For Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

January 15, 2010, Continued

C059798

DETHLOFF v.

(Not For Publication)

KRUMP CONSTRUCTION, INC.

The judgment is reversed. Respondent Krump shall reimburse appellant Dethloff for his costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) – (2) .)

BUTZ, J.

We Concur: Scotland, P.J.

Raye, J.